

UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO

GEORGE MARTINEZ,

v.

CIVIL NO. 98-1556 (DRD)

HOSPITAL SAN PABLO, INC., et al.,

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ORDER

On March 7, 2000 Co-defendants, Robert F. Hunter Mellado and Juan M. Vázquez Medina, filed a Motion For Summary Judgment (Docket No. 44), requesting dismissal of the case against them because they were not involved in the patient's treatment before or during surgery.

Instead of opposing the motion for summary judgment, the Plaintiff, George Martinez, on March 13, 2000, filed an Informative Motion (Docket No. 46) advising the Court that the attorneys for Plaintiff after re-evaluating the allegations contained in the Amended Complaint and their experts report would recommend to the Plaintiff dismiss of Co-defendants, Dr. Jennifer Oppenheimer Catalá, Robert F. Hunter Mellado and Juan M. Vázquez Medina.


Thereafter, Plaintiff on March 31, 2000, filed a Motion For Voluntary Dismissal (Docket No. 47), stating that after further evaluation of the causes of action filed along with the reports by their expert witness Plaintiff requests that the Court dismiss this case without prejudice as to Co-defendants, Dr. Jennifer Oppenheimer Catalá, Robert F. Hunter Mellado and Juan M. Vázquez Medina, and their respective insurance companies.

Then, on April 10, 2000, Co-defendants, Robert F. Hunter Mellado and Juan M. Vázquez Medina, filed a Motion Requesting Voluntary Dismissal Be With Prejudice. (Docket No. 44). The Plaintiff has not opposed. Thus, because the Plaintiff has not opposed the pending motion for summary judgment, evaluated the allegations and expert witness report and filed for dismissal, and has not opposed the motion for voluntary dismissal be with prejudice, the Court pursuant to Fed.R.Civ.P. 41(a)(2) deems appropriate that Co-defendants, Dr. Jennifer Oppenheimer Catalá, Robert F. Hunter Mellado and Juan M. Vázquez Medina, and their respective insurance companies are **DISMISSED WITH PREJUDICE**. Judgment shall be entered accordingly at the conclusion of the case. The Court's ruling **MOOTS** the motion for summary judgment (Docket No. 44); **GRANTS IN PART** and **DENIES IN PART** the motion for voluntary dismissal (Docket No. 47); and, **GRANTS** the dismissal with prejudice of the aforementioned Co-defendants.

IT IS SO ORDERED.

**Date: May 1, 2000**

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**DANIEL R. DOMINGUEZ**  
U.S. District Judge

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